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PART-IIA

GOVERNMENT OF MEGHALAYA ORDERS BY THE GOVERNOR

NOTIFICATIONS

The 11th December, 2014.

No.CDD.173/2013/Pt/5 - The Governor of Meghalaya is pleased to notify the Guidelines for implementing the **State Rural Infrastructure Development Initiative (SRIDI)** in the state of Meghalaya, as per details below. This notification shall take immediate effect till further orders.

GUIDELINES FOR IMPLEMENTING THE "STATE RURAL INFRASTRUCTURE DEVELOPMENT INITIATIVE" (SRIDI) IN MEGHALAYA

1. Introduction and rationale:

The Government of Meghalaya has decided to introduce a new rural development initiative viz: "**The State Rural Infrastructure Development Initiative**", to be abbreviated as "**SRIDI**", during the year 2013-14 to improve the rural infrastructure in the state. Creation of rural infrastructure has a strong positive association with rural economic development and a negative association with the incidence of poverty. The SRIDI is an umbrella programme that includes four components that will seek to provide rural infrastructure to improve the facilities, or generate livelihoods of the rural people. PMGSY, IAY, NBA and the MGNREGS do support the creation of durable infrastructure at the village level. However, it is often the case that several rural locally felt needs are not covered by these structured schemes and remain unaddressed. Examples of such needs may include a waiting shed at a crematorium, a small scale abattoir, a solid waste disposal plant, bio-digester toilets for rural schools, a small ropeway for transporting goods across a stream or a gorge etc. **The State Rural Infrastructure Development Initiative (SRIDI)** is an attempt to satisfy such small scale felt needs of the village communities, that which can make a significant impact on improving the quality of life in a village, with small investments.

2. Current components of the SRIDI:

The SRIDI has four components at present. With time, more components could be added, or existing components could be deleted. A brief note on each of the components is given below:

a) Biodigester –

A Biodigester toilet is a natural system that uses anaerobic digestion in a series of processes to break down the biodegradable material, in the absence of oxygen. It has been developed by Defence Research & Development Organization with the purpose of managing human waste and to prevent water borne diseases and pollution to the environment. The intention is to provide

- i. Safe sanitation facilities in rural areas for the individuals as well as institutions.
- ii. Reduction of exposure while handling and disposing human waste, and prevention of contamination of freshwater sources. This will reduce microbial risk to human health.

The guidelines and the technical manuals of the Bio-digester Scheme will be separately notified.

b) Biomass Cook Stove –

It is estimated that 60 – 70 % of the rural households in the State still rely on biomass for cooking their daily meals, drinking water and etc. While it is theoretically desirable that the dependence on biomass for less productive purposes is entirely reduced, given the current socio-economic status of the rural people, it may not be achieved so soon. Therefore, it is prudent to improve the efficiency of the fuel consumption through Biomass, so that the overall environmental load is reduced. To reduce the pressure on the local forests and to reduce the money a family spends on wood or charcoal, biomass stoves are considered to be a good intervention. Savings that result can be spent on food, education, and medical care and the overall well being of the family. So an improved cooking stove is seen to impact the family and its surroundings as below:

- i. Improvement in the quality of life through better household cleanliness, etc.
- ii. Saving of Time and Money for either collection or purchasing fuel wood.
- iii. Prevention of deforestation due to large scale consumption of fuel wood.
- iv. Reduce the impact of Climate Change and slowing down of global warming due to low emission of green house gases.

The schematic details and the guidelines for grounding the Biomass Cook Stoves are separately notified.

c) Block Rural Infrastructure Development Fund (BRIDF) –

This is a scheme for the village communities in need of improved rural infrastructure from the point of view of both poverty alleviation and economic development. The scheme is designed to enable them to build such infrastructure with the financial and technical assistance of the Government. With the assistance provided under various state and central schemes such as MGNREGS, BRGF, as also SRWP, CRRP and CMSRDF, etc several rural development works are being undertaken. However, some of the felt needs of the rural areas still remain unaddressed for want of funds, as most resources are tied and need to be dispensed within a framework of the guidelines laid down. Developmental needs in rural areas are multiple and complex and will need to be addressed in such a manner that the identification is transparent and the execution, quick. Further, despite the several interventions, the availability of infrastructure in rural areas is still less than adequate, leading to persistent demands from the rural people. Also, as the rural areas are progressively turning urban, there are several emerging needs of sanitation due to higher aspiration of health and hygiene standards that would need to be catered to. The BRIDF is essentially a tool to cater to the myriad demands of the rural people efficiently.

The schematic details of the BRIDF will be separately notified.

d) Meghalaya State Rural Technology and Livelihood Promotion Centre (MSRTLPC) –

Appropriate Rural Technologies will improve the rural livelihoods as well as quality of life. Technology induction is one of the key strategies to bring about need-based development in the rural areas. Identifying and grounding appropriate rural technologies is an essential prerequisite for rural development. Rural Technology and Livelihood Promotion Centre (MSRTLPC) aims at showcasing the various reliable and appropriate technologies covering various aspects of rural life. Rural Housing and Infrastructure, Rural Energy, Rural Sanitation, Agro-based Technologies, post harvest technologies, etc. are some of the immediate areas of interest to the people and the MSRTLPC will focus on them. The primary objectives of the MSRTLPC are as listed below:-

- i. To identify the felt technology needs of the rural areas of Meghalaya.
- ii. To collaborate with Technology developers, and source the most appropriate technologies for showcasing, incubating, inducting and disseminating in Meghalaya and the region.
- iii. Transfer such adopted technologies to encourage and promote the use of such technologies in rural areas.

- iv. Provide a common platform for the technology developers and technology users.
- v. Provide a platform of support for rural innovators, so they can demonstrate their technologies to the general public and upscale them when needed.

The MSRTLPC will be implemented by the SIRD, at Myrdon Nongbah Village in Ri-Bhoi district.

3. General guidelines of SRIDI –

(a) The SRIDI shall be implemented under the supervision of the Director of C&RD and executed through specific executing agencies viz. the Deputy Commissioners, Block Development Officers, DRDAs, SRES, SIRD or NGOs, etc. for the applicable components, as the case may be. The implementing agencies, as identified so far, are as below:

The responsibility of implementing the projects is assigned to the following agencies, to act as Implementing Agencies under the SRIDI. There could be more agencies as new projects get included.

Project	Implementing Agency
Bio-digester	SRES for fund and human resource channeling and Directorate of C&RD, through the D.Cs. In Phase-I 150 Bio-digesters will be set up by the SIRD, and after perfecting the process, through the D.Cs. & B.D.Os.
Biomass Cook Stoves	Directorate of C&RD and any selected NGO
BRIDF	All the D.Cs./Chairmen, DRDA, through the B.D.Os.
Rural Technology and Livelihood Promotion Centre	Director, SIRD, Nongsder

(b) A State level SRIDI Committee comprising of members from the technical Departments like Water Resources, PHE, PWD, Soil Conservation, Forest and Environment, and State Pollution Control Board, SRES, SIRD, etc. shall be constituted under the chairmanship of the Principal Secretary (C&RD). The Committee shall appraise and approve the projects and processes, as submitted by the Deputy Commissioners, the SIRD and the SRES and/or the NGOs. The Committee may also cause field inspections and obtain feasibility and suitability reports for the same, as per the technical specifications.

(c) There shall be no provision for land acquisition and as such no monetary compensation would be paid out of the funds earmarked under the scheme. The ownership of the funded project shall belong to the community and the responsibility for maintenance vests with them.

- (d) The plans and estimates shall be prepared by the officers of the implementing departments/agencies and certified as such and/or countersigned by technical officials, in accordance with the financial powers already vested.
- (e) Any of the components may be implemented on a pilot basis, to start with and based on the experience, the components could be upscaled, or modified.
- (f) Upto 5% of the cost of the project could be utilized/sanctioned to the Implementing Agencies, to meet the administrative expenditure, based on a case by case decision by the State SRIDI Committee.
- (g) Except where innovative or pilot projects are being undertaken on a 100% grant basis, in all other cases upto 25% of the project cost shall be contributed by the institutions/ community, as partner's contribution. The State SRIDI Committee will decide on the proportion of such contribution based on the socio-economic status of the institutions, or community, as the case may be.

4. Fund Releases –

On approval of the project by the State SRIDI Committee, the funds will be released to the Implementing Agencies in installments. A dedicated SRIDI A/c will need to be opened in any of the Banks by the implementing agencies for fund transfers, 50% of the funds shall be placed with the implementing agency as the first installment and upon satisfactory completion of 40% of the physical target, the balance 50% of the funds shall be released. The State SRIDI Committee may alter the proportion of the above installments depending upon the project, its nature and timelines. The Implementing Agencies shall maintain accounts of the funds released and received separately and they should be duly audited by the chartered accountants and Audit Certificates shall be submitted along with the U.Cs. In cases where the Implementing Agencies are other than the DRDAs, the Directorate of C&RD shall coordinate with them and they will comply likewise. It is necessary that written commitment of community contribution of upto 25% of the total project cost is obtained for greater commitment toward the project, as also guaranteed maintenance before the commencement of the project.

5. Modification of the guidelines –

Based on experience, the guidelines may be altered, or modified by the C&RD Department, with the approval of the Minister.

K. N. KUMAR,
Principal Secretary,
Community & Rural Development Department.

The 16th December, 2014.

No. PDS. 35/2014/3.— The Governor of Meghalaya proposes to make the following rules in exercise of the powers conferred by Section 17 of the Probation of Offenders Act, 1958 (Central Act No. IX of 1958) is hereby published as required by sub-section (3) of Section 17 of the Probation of Offenders Act, 1958, for information of all that is likely to be affected thereby, and notice is hereby given that the said draft rule herein below will be taken into consideration after expiry of a period of 30(thirty) days from the date of publication of this notification.

Any objection or suggestions which may be received from any person or organisations with respect to the said draft rules within the period so specified will be considered by the State Government.

CHAPTER I PRELIMINARY

1. **Short title and commencement.** - (1) These rules may be called the Meghalaya Probation of Offenders Rules, 2014.

(2) They shall come into force from such date as may be fixed and notified by the State Government in the Official Gazette of the State.

2. **Definitions.** - In these Rules, unless the context otherwise requires, -

- (a) "Act" means the Probation of Offenders Act, 1958;
- (b) "Chief controlling Authority" means the Officer appointed under rule 4;
- (c) "District Magistrate" means the Magistrate of the District in which relevant provisions of the Act have been in place and includes "Additional District Magistrate";
- (d) "Chief Probation Officer" means the Officer appointed under sub-rule (3) of Rule 3;
- (e) "Regional Probation Officer" mean an Officer appointed by the State Government of Meghalaya to control, guide and supervise the work of Probation Officers (Honorary, special and salaried in one or more probation districts specified by the Government);
- (f) "District Probation Officer" means the salaried Probation Officer appointed by the State Government of Meghalaya in charge of the Probation work in probation district;
- (g) "Form" mean a Form appended to these rules;

- (h) "Part time Probation Officer" means a Probation Officer other than a salaried Probation Officer recognised by the State Government of Meghalaya under Section 13 (1) (a) of the Act, or provided by a Society under Section 13 (1) (b) of the Act or who is remunerated by fees or honorarium and not by salary or who works without renumeration;
- (i) "Probation District" means a district or bigger or smaller area as may be specified by the Government;
- (j) "Probationer" means any Offender in respect of whom a supervision order is in force;
- (k) "Society" means a society recognised by the State Government under clause (b) of sub-section (1) Section 13 of the Act;
- (l) "Special Probation Officer" means a Probation Officer appointed under clause (c) of sub-section (1) of Section 13 of the Act; and
- (m) "Supervision Order" means an order passed under sub-section (3) of Section 4 of the Act.

CHAPTER II **DEPARTMENTAL CONTROL OF PROBATION OFFICERS**

3. **Probation Officer**. - (1) The Government shall appoint for each Probation District, a Probation Officer who will be designated as District Probation Officer.

(2) All Probation Officers (whether appointed or recognised by the State Government) in each Probation district shall be under the control of a Regional Probation Officer.

(3) All Probation Officers in the State shall be under the control of the Chief Probation Officer to be appointed by the State Government.

4. **Chief Controlling Authority**. - The Inspector General of Prisons, Meghalaya shall be the Chief Controlling Authority for the purpose of these Rules, who shall exercise administrative and financial powers of Head of Department and shall have full control over all expenditure and other establishment matters with respect to working of Probation in the State and such other functions as may, from time to time, be assigned to him by the State Government.

5. **Chief Probation Officer**. - Subject to the control and supervision of the Inspector General of Prisons, the Chief Probation Officer shall be responsible for administering the work of Probation throughout the State and his duties and responsibilities shall include: -

- (a) control, guidance and supervision of the work of Regional Probation Officer District, Probation Officers and other Probation Officers;

- (b) assisting and fostering after care work in the State and other activities for the purpose of rehabilitation of offenders and maintaining contact with other related association and the public;
- (c) submission of statistical or other returns and reports , as required to Inspector General of Prisons; and
- (d) such other function as may assigned to him by the Inspector General of Prisons or the State Government.

6. **Regional Probation Officer.** - The headquarters of Regional Probation Officer shall be fixed by the Inspector General of Prisons, subject to the approval of the State Government. The Regional Probation Officer shall,

- (a) be responsible for the working of Probation in the area within his jurisdiction;
- (b) control, guide and supervise the work of District Probation Officers and other Probation Officer in his jurisdiction;
- (c) be the drawing and disbursing Officer in respect of all expenses connected with the Probation work in the area within his jurisdiction;
- (d) submit to the Inspector General of Prisons, the Chief Probation Officer, the District Magistrate and the court such other reports as may be required by the Chief Probation Officer or the Inspector General of Prisons or the State Government; and
- (e) perform such other functions as may be assigned to him by the Chief Probation Officer, the Inspector General of Prisons or the State Government.

7. **District Probation Officer.** - (1) The headquarters of a District Probation Officer shall be the headquarters of the District or such other place as may be fixed by the Inspector General of Prisons. The jurisdiction of the District Probation Officer shall extend to the whole of the Probation District in which he is posted.

(2) He shall:-

- (a) be responsible for the working of Probation in the whole areas within his jurisdiction;
- (b) control, guide and supervise the work of District Probation Officers in the District;

- (c) be the drawing and disbursing officer in respect of all expenses connected with the probation work in the District;
- (d) submit to the Regional Probation Officer a half yearly report on the conduct and progress of all probationers in his jurisdiction, and report of cases dealt with under section 9 of the Act;
- (e) submit to the Inspector General of Prisons, the Chief Probation Officer, the District Magistrate and the court such other reports as may be required by the Chief Probation Officer or the Inspector General of Prisons or the State Government; and
- (f) perform such other function as may be assigned to him by the Chief Probation Officer or Inspector General of Prisons.

8. **Leave.** - (1) Casual leave may be granted –

- (a) to District Probation Officer and Regional Probation Officer by the Chief Probation Officer and Chief Probation Officer by the Inspector General of Prisons;
- (b) to any Probation Officer and other staff in a district by the District Probation Officer;

(2) All other leave shall be granted to the Probation Officers by the State Government.

CHAPTER III
PROBATION OFFICER
QUALIFICATION, APPOINTMENT AND CONDITIONS OF SERVICE.

9. **Qualification for District Probation Officers.** - District Probation Officer shall be –

- (i) graduate of a recognised University;
- (ii) not less than 21 years and not more than 27 years of age provided that the upper age-limit may be relaxed to the extent of five years in case of Scheduled Castes/Scheduled Tribes candidates;
- (iii) possess other qualifications prescribed by the State Government for posts of similar status and responsibility;
- (iv) a person of good moral character;
- (v) experience in correctional service will be considered an additional qualification for the post.

10. **Qualification of Honorary Probation Officer.** - An Honorary Probation Officer appointed in a District shall be -

- (i) not less than 30 and not more than 40 years of age;
- (ii) in a position to devote adequate time for supervision of Probationers;
- (iii) a person of good moral character and social standing, possessing sufficient experience in social welfare work;
- (iv) fully conversant with the Act and these Rules; and
- (v) preferably resident of the district.

11. **Appointment and registration of Probation Officers.** - (1) The procedure relating to the appointment of Probation Officers by the State Government shall be in accordance with general rules relating to recruitment of Officers to posts of similar status and responsibility.

(2) Names of individuals in different localities for recognition as part time Probation Officers submitted by a Society or by the District Magistrate or the Chief Probation Officer may be considered by the State Government.

(3) The name of all Probation Officers recognised by the State Government with their addresses shall be entered in a register kept by the Chief Probation Officer.

(4) Lists containing the names of -

- (i) Probation Officers appointed by the State Government;
- (ii) Salaried Probation Officers provided by Societies; and
- (iii) Part-time Probation Officers,

for service in the District or in specified areas of the district or allocated to specified Courts in the District, shall be kept by the District Probation Officer and made available to the court whenever necessary.

12. **Special Probation Officers.** - (1) The Court may appoint a Special Probation Officer under Section 13 (1) (c) of the Act in view of the special circumstances of particular cases, when no Probation Officer is available or is considered suitable enough to attend to the case. A court or a District Magistrate may also appoint a special Probation Officer under sub-section (2) of Section 13 of the Act.

(2) In deciding whether a person is suitable for appointment as a Probation Officer in a particular case under Section 13 (1) (c) or Section 13 (2) of the Act, the Court or the District Magistrate may take into consideration (a) the general attributes as required under the provisions of Rule 13 (2), his age, position, character and attainments and relationship to the offender and (c) ability to follow these rules and to discharge the duties of Probation Officers.

13. **Choice of Probation Officers - precautions.** - (1) Female probationers should not ordinarily be placed under the supervision or control of male Probation Officers.

(2) Religious persuasions of the Probationer and the Probation Officer should be taken into consideration.

(3) While choosing a Probation Officer for supervision in a particular case, the Court may, where necessary, consult the District Probation Officer.

14. **Terms and conditions of service.** - (1) Subject to the provisions of these rules, the general terms and condition of service applicable to Probation Officers appointed by the State Government shall be the same as those prescribed for other officers of the State Government of similar status and responsibility.

(2) Salaries, allowances and other terms and conditions of service applicable to salaried Probation Officers appointed by a Society shall be prescribed by the Society in accordance with these rules and the instructions issued by Inspector General of Prisons or the State Government under Rule 23 (3) (b).

(3) A part-time Probation Officer may be paid (i) a fixed remuneration with due regard to the nature and extent of the duties he is required to perform, or (ii) an honorarium, or he may work without accepting any remuneration.

(4) A special Probation Officer may be paid, if the court so directs, remuneration or allowances for supervision of Probationers at rates similar to those prescribed for part-time Probation Officers.

(5) Every Probation Officer shall be furnished with an Identity Card in Form-I. The Identity Card shall be returned to the Chief Probation Officer on suspension or termination of appointment.

(6) Probation Officers shall not wear any uniform or badge.

(7) A Probation Officer shall give at least three months notice in writing, if he wished to resign his appointment. If a part-time Probation Officer is unable owing to ill health or other cause, to perform his duties, he shall at once report the fact to the District Probation Officer.

CHAPTER IV

PROBATION OFFICERS

DUTIES AND RESPONSIBILITIES

15. **Departmental responsibility.** - (1) Every Probation Officer shall carry out the directions of the Chief Probation Officer and the Inspector General of Prisons.

(2) Every Probation Officer shall inform the Regional Probation Officer, as soon as a probationer is placed under his supervision of the fact and of the particulars with such other facts as may be prescribed by the Chief Probation Officer.

(3) Every Probation Officer shall submit –

- (a) to the Regional Probationer Officer, a monthly report on the progress of each probationer placed under his supervision in Form VII and copies of pre-sentence report and of other reports submitted to the Court or District Magistrate; and
- (b) to the Chief Probation Officer and the Regional Probation Officer such periodical reports and statistics as may be required.

16. **Pre-sentence Report.** – (1) The Probation Officer shall, after making direct enquiries regarding the offender's character and antecedents, his social and environmental conditions, the financial and other circumstances of his family, the circumstance in which the alleged offence was committed and any other facts which the Court has directed him to enquire into put down the relevant facts fully and faithfully in the report in Form III.

(2) The summary of the case shall include an objective statement of facts along with the Probation Officer's assessment of the case, so as to help the Court in determining the most suitable method of dealing with the offender after he is found guilty.

(3) The report shall be treated as "confidential" and delivered to the Court on the date specified by it; it should be enclosed in a sealed cover, if sent to the Court or delivered on a date prior to the date of delivery of judgement.

17. **Supervision of Probation.** – (1) The Probation Officer shall, on receipt of the order or pre-sentence enquiry from the Court, comply with the order or direction received.

(2) The Probation Officer shall act as a friend and guide of the probationer. For this purpose, he shall, require the probationer to report to him at stated intervals, meet him frequently and keep in close touch with him.

(3) At the first meeting, the Probation Officer shall –

- (a) Explain to the probationer the conditions of supervision order;
- (b) Advise him as to how he should conduct himself; and

(c) Specify the days on which he should report to the officer, the time and place of reporting being so arranged as to avoid unnecessary hardship to the probationer and to secure proper privacy; and inform the probationer that any omission on his part in so reporting will have to be satisfactorily accounted for.

(4) The Probation Officer shall visit the probationer periodically in his home surroundings and where appropriate, his occupational environment in order to see the progress made by the probationer and the difficulties if any, faced by him:

Provided that, in the case of young offenders attending School or Colleges, the Probation Officer shall not visit the probationer in the institution, but may make discreet enquiry from the teacher or tutor or head of the institution regarding his attendance, conduct and progress.

(5) The frequency of the meeting including visits by the Probation Officer should not be, unless the Court directs otherwise, less than -

- (a) once a week, during the first month;
- (b) once a fortnight, during the rest of the first half of the period of probation; and
- (c) once a month during the remaining period.

(6) The Probation Officer shall endeavour, by example, advice, persuasion and assistance, and where necessary, by warning, to ensure that (a) the probationer does not violate the conditions laid down and (b) his behaviour, attitude to society, habits and moral character improve so that he may not revert to crime.

(7) The Probation Officer shall also take such action as he deems necessary for better regulation of the conduct and mode of life of the probationer or for closer supervision over him.

(8) On the expiry of the period of probation, the Probation Officer shall submit a report in Form XI on the progress, conduct, mode of living, etc. of the probationer to the Court concerned. This report shall form part of the file of the case concerned.

18. **Duties in relation to courts.** - (1) The Probation Officer may move the court before which the probationer is bound, to vary the conditions of the bond by way of tightening or relaxing them, as may be required depending on the conduct of the probationer.

(2) If the Probation Officer considers that the Probationer has made sufficient progress and further supervision is not necessary, he shall make an application to the Court for discharging the bond under Section 8 (3) of the Act.

(3) If a probationer fails to observe any of the conditions of the bond or behaves in a manner indicating that he is not likely to fulfil the purpose of the supervision order, the Probation Officer shall report the fact to the Court or District Magistrate for such action as may be considered necessary.

(4) The Probation Officer shall consult the Regional Probation Officer with regard to appeal or revision.

19. **Responsibilities in relation to District Magistrate.** -

Probation Officer shall. -

- (a) Carry out any directions that the District Magistrate or Officer not below the rank of Sub-Divisional Magistrate duly authorised by him to act on his behalf may give regarding supervision of a probationer;
- (b) Submit such reports to the District Magistrate on the progress of probationers as may be required as nearly as may be in Form VII;
- (c) Report to the District Magistrate;
- (d) Cases where conditions of the supervision order or bond are not adhered to which would, inter alia, include -
 - (i) the probationer changing his residence;
 - (ii) any fresh offence committed by the probationer;
 - (iii) any serious violation of the conditions of the supervision order;
 - (iv) any plan of the probationer to abscond;
 - (v) any attempt by any person to aid or abet the probationer in commission of a crime or otherwise influence him so as to adversely affect his conduct and reformation.

20. **Rehabilitation and after care of probation.** - (1) The Probation Officer shall assist the probationer's rehabilitation in society, so that he does not revert to crime. For this purpose the Probation Officer shall endeavour to secure for the probationer:-

- (a) training facilities;
- (b) employment opportunities;
- (c) any necessary financial aid, and
- (d) associations with normal individuals and organisations like Boy Scouts and Girl Guides, youth organisations and community projects.

(2) The Probation Officer shall try to maintain constant touch with discharged probationers to follow up the progress made by them towards their rehabilitation for such period as may be prescribed by the Chief Probation Officer.

(3) The Probation Officer shall participate, wherever possible, in after care schemes.

21. **Other duties of Probation Officer.** - The Probation Officer shall also undertake the following functions, namely, -

- (a) educating the public and mobilising support for the probation system;
- (b) mobilising public assistance and cooperation in the field of social defence;
- (c) any other duties of a cognate nature which may be assigned by order of the State Government.

22. **Probation Officer not to divulge information.** - A Probation Officer shall not divulge information concerning his inquiries or work of probation to any person other than the authorities to whom he is required to report, except in so far as it is necessary to do so in the interest of the probationer.

CHAPTER V **RECOGNITION OF SOCIETY**

23. **Recognition of society.** - (1) A Society primarily devoted to any of the following kinds of work will be eligible for seeking recognition under clause (b) of sub-section (1) of Section 13 of the Act.

- (a) social defence including care, after care or aid to offenders or discharged prisoners and protection and training of rescued or destitute women or children;
- (b) education or other social welfare work; and
- (c) religious or charitable work, with interest in aiding and rehabilitating such persons.

(2) Any society eligible under sub-rule (1) and desiring recognition shall make an application to the State Government together with a copy of its rules, by-laws, articles of association, lists of its members and office bearers and a statement showing its status and past record of social or public service.

(3) The State Government may, after making such inquiry as it considers necessary into the status, past record of social or public service and present condition of the society, and after satisfying itself that the society possesses sufficient financial means to carry out its obligations, grant recognition to the society, on condition that it shall undertake to –

- (a) provide such Probation Officers as may be required by the State Government or the Court;
- (b) abide by these rules and any instructions issued by the State Government and the Inspector General of Prisons and see that the same are followed by the Probation Officers and that the personnel of any institution or other premises referred to Rule 33 under it; and
- (c) furnish to the State Government, whenever required, a statement of its financial position including the balance-sheet and audited report, if any.

(4) The State Government may withdraw the recognition granted to a Society under sub-rule (1) above after giving a notice of three months to the society. The recognised Society may also get its recognition withdrawn by the State Government after giving to it a notice of three months.

24. **Subsidy to society.** - (1) A recognised Society requiring a subsidy from the State Government in aid of its activities relating to probation shall forward to the Inspector General of Prisons through the Chief Probation Officer an application accompanied by a copy of.

- (a) its rules regarding salaries, allowances and conditions of service of Probation Officers and its rules regarding the management of institutions or other premises referred to in Rule 33, if any under it; and
- (b) such other particulars as may be required.

(2) The State Government may, in deserving cases and on the recommendation of the Inspector General of Prisons, pay to a recognised Society such subsidy and for so long as it may deem fit.

(3) The Society which has been granted a subsidy shall.

- (i) submit its annual report and audited accounts and such other reports as may be called for by the Inspector General of Prisons;
- (ii) maintain standards of supervision work and manage institutions or other premises referred to in Rule 33, if any, under it to the satisfaction of the Inspector General of Prisons ; and

(iii) provide all facilities for inspection by the officer concerned.

25. **Control of Probation Officers.** – (1) If a Probation Officer appointed by a Society fails to discharge duties imposed on him by the Act or these rules or to abide by instruction of the Chief Probation Officer or The Inspector General of Prisons or the State Government for regulation of the work and conduct of Probation Officers, the Court or the District Magistrate or the District Probation Officer may report the fact to the Society, and thereupon, the Society shall take suitable action on the report and inform the District Probation Officer of the action taken.

(2) The Society shall consider every complaint against such Probation Officer relating to any matter which affects his fitness for office and shall investigate every such complaint which in its opinion calls for investigation; and take further disciplinary action, wherever necessary.

(3) The work of Probation Officer provided by the Society will be subject to guidance, supervision and control by the Inspector General of Prisons or any officer empowered by the State Government to act on his behalf.

CHAPTER VI **PROCEDURE FOR COURTS AND DISTRICT MAGISTRATE.**

26. **Court procedure.** – (1) The Court may direct a Probation Officer (as nearly as may be in Form II) to enquire into the circumstances in which the offence was committed and other matters and submit a report on a prescribed date, which should ordinarily be the expected date of delivering judgement. The Court shall consult the report only after finding the accused guilty. If he is not found guilty, the report should be returned to the Probation Officer concerned for record for purposes of further reference.

(2) The Court may direct the Probation Officer to make any further investigation, and where required, to have a medical or psychiatric examination of the offender done and report to the Court for enabling it to decide on action to be taken under Sections 3,4,5,6 , and 7 of the Act.

27. Where the Court makes a supervision order under sub-section (3) of Section 4 of the Act, it shall send details of the offender to the Probation Officer along with the offender and shall, at the same time, furnish to the Probation Officer a copy of the bond executed under sub-section (4) of Section 4 of the Act together with a copy of the supervision order:

Provided that the offender will be sent under police escort to the office of the Probation Officer, if confined in the Jail.

28. The following Forms may be used for the purpose noted against each below -

- (a) Form IV – Bond for good behaviour under Section 4 (1) of the Act.
- (b) Form V – Supervision order under Section 4 (3) of the Act.
- (c) Form VI – Undertaking by probationer under Section 4 (4) of the Act.

29. The Court may require a Probation Officer to submit a report on a stipulated date or periodical reports on the progress, conduct and mode of living of the probationers placed under his supervision.

30. Where a Court passes a supervision order under sub-section (3) of Section 4 of the Act and appoints a Probation Officer provided by a society, it shall forward a copy of it to the Society.

31. When a probationer goes in appeal against the probation order, the trial Court shall, immediately on receipt of the order of the Appellate Court, convey it to the Probation Officer of the district, if there be one.

32. **Functions of District Magistrate.** - The District Magistrate or any other officer not below the rank of Sub-Divisional Magistrate authorised by him may –

- (a) inspect the work and any record in the office of any District Probation Officer working within his jurisdiction ;
- (b) give any direction to Probation Officers in connection with performance of their work; and
- (c) send his observation or report on the foregoing or other facts to the Regional Officer and the Chief Probation Officer.

CHAPTER VII

RESIDENCE OF PROBATIONERS

33. **Institutions or other premises for reception of probationers.** - (1) The State Government may maintain institution or other premises for reception of Probationer or approve the same subject to such conditions (including conditions relating to management and inspection) as it may deem fit.

(2) Any such institutions or other premises shall be maintained, managed and inspected in accordance with such instructions as may be issued by the State Government from time to time.

34. **Residence of a Probationer in such Institutions or other premises.** - (1) When a Probation Officer is of opinion that it is necessary or desirable for a probationer to reside in any institution or other premises referred to in Rule 33 on the ground that the probationer has no fixed abode or no abode suitable for due-supervision; or that his home surroundings are not suitable for achieving the objects of probation, or that the objects of probation would be better achieved by his staying in such institution or premises, the probationer may be asked to reside therein.

(2) A probationer may also be required to reside in any such institution or premises in pursuance of any order of the Court which passed the supervision order, or in terms of the bond entered into by the probationer.

35. **Change of residence.** – (1) Where a probationer under supervision consistent with the conditions of the supervision order, changes or proposes to change his place of residence and the place of such residence is outside the jurisdiction of the Probation Officer, he shall obtain the permission of:-

- (a) the Probation Officer, if the period of such stay does not exceed a fortnight;
- (b) the District Magistrate on the recommendation of the Probation Officer, if such period exceeds a fortnight but does not exceed three months; or
- (c) the Court on application made through the Probation Officer, if such period exceeds three months.

(2) Where the period of stay referred to in sub-rule (1) above exceeds a fortnight, the probationer shall be required to report to a Probation Officer having jurisdiction in the changed place of residence on or before a specified date.

(3) The Probation Officer in the changed place of residence shall send to the original Probation Officer a report of the arrival of the probationer and send copies of the report and such other reports as may be required by the Chief Probation Officer to the District Magistrate concerned and to the Chief Probation Officer.

(4) Where the period of stay referred to in sub-rule (1) above exceeds one month, a new Probation Officer may be appointed under section 13 (2) of the Act by the District Magistrate having jurisdiction over the changed place of residence or by the Court.

CHAPTER VIII RECORDS

36. **Records to be maintained by Probation Officer.** – (1) A Probation Officer shall maintain the following records –

- (a) a diary showing his day-to-day work including preliminary enquiries, attendance at Court, meetings with probationers, contact with Societies and visits to institutions and premises referred to in Rule 33, a copy of the diary being submitted every week to the Regional Probation Officer;
- (b) a file containing copies of all reports of preliminary inquiries submitted to the Courts;

- (c) a register showing the receipt and disposal of all orders of the Courts to the Probation Officer for making enquiries in Form X;
- (d) Probationer's case file as in Form VIII containing –
 - (i) a front cover-page indicating the main particulars of the probationer and the case;
 - (ii) a summary of the probationer's antecedents and character, his family and family environments and the circumstances of the offence, further progress of supervision and all other important events during the period of probation; and
 - (iii) copies of pre-sentence reports, orders of Court, bonds or undertakings and all other records relating to him including a history sheet;
- (e) an Index Card and Chronological Register (as nearly as may be in Form IX) of probationers;
- (f) Register of payments made on account of Probationers showing –
 - (i) payments to institutions or premises referred to in Rule 33 for maintenance of probationers;
 - (ii) payments to probationers for travelling expenses for visiting such institution or premises and back;
 - (iii) fares for reporting to a Probation Officer;
 - (iv) other financial aid to probationers; and
- (g) such other records as may be prescribed by the Chief Probation Officer or the Inspector General of Prisons from time to time.

(2) In the case of part-time Probation Officers, the records mentioned in clauses (b), (c) and (f) of sub-rule (1) shall be kept in the Office of the District Probation Officer.

(3) A special Probation Officer shall maintain the records mentioned in clauses (a) and (d) of sub-rule (1) and send such other information to the District Probation Officer the Regional Probation Officer, the Chief Probation Officer and the Inspector General of Prisons as prescribed by the State Government from time to time.

37. **Preservation of records.** – Each probationer's case-file with the Probation Officer shall be preserved for not less than ten years from the date of the expiry of the supervision order to which it relates.

(2) The diary shall be closed on the 31st December of each year and thereafter be deposited as a confidential record in the Office of the Chief Probation Officer. Each volume of the diary shall be preserved for not less than ten years from the date of its closure.

(3) The Index Card and the chronological register should be preserved for at least ten years more after the destruction of the history-sheets to which they relate.

38. **Inspection Book.** - An inspection book shall be maintained at each Probation Officers office; and a copy of the inspection book relating to a part-time Probation Officer shall be maintained in the District Probation Officer's Office. The Inspector General of Prisons, Chief Probation Officer, District Magistrate, Regional Probation Officer and such other persons as may be appointed by the State Government for inspecting the work of Probation Officers shall record their observations in the book. The observations made therein shall be forwarded to the Chief Probation Officer along with the comments of the Probation Officer.

39. **Records to be maintained by Regional Probation Officer.** - The Regional Probation Officer shall maintain in his Office in such manner as may be prescribed by the Inspector General of Prisons, the followings -

- (a) list of Probation Officers in the District or area under his jurisdiction;
- (b) list of institutions or premises referred to in Rule 33 in that area;
- (c) a dossier for each probationer under supervision in the District containing a summary of the case and duplicates of record with the Probation Officer ;
- (d) register of probationers in the District (as nearly as may be in Form VII), received from Probation Officers;
- (e) an inspection for each file containing notes if inspection of offices of Probation Officers and copies of records of inspection submitted to the Chief Probation Officer;
- (f) register of probationers staying in institutions or premises referred to in Rule 33 in the District;
- (g) register of payments to probationers in the District; and
- (h) such other records as may be directed to be maintained by the Inspector General of Prisons.

CHAPTER IX MISCELLANEOUS

40. **Access to Court Records.** - A Probation Officer shall, in so far as it may be necessary for the due discharge of his duties, be permitted to inspect court

records of his cases. He may make notes of the recorded particulars and report relating to his cases for use in the performance of his duties, but shall in no circumstances communicate the contents of the reports to any person without the specific sanction of the court.

41. Probationers not to be employed on private work of Probation Officer. A Probation Officer shall not employ any offender placed under his supervision for his own private purpose or take any private service from him.
42. Submission of statistics. - Every Probation Officer shall collect and submit in January and July the following statistics for the preceding half year to the Regional Probation officer concerned, who is turn, will consolidate these statistics for the Probation District and submit the same to the Chief Probation Officer -
 - (1) the number of probationers;
 - (2) employment of probationers;
 - (3) the number of cases of failure to observe conditions of bond dealt with under Section 9 of the Act;
 - (4) the number of offenders in his jurisdiction (a) discharged after admonition under section 3 of the Act, (b) released under Section 4 (1) of the Act without supervision, (c) sentenced to imprisonment though under 21 years of age.

The statistics mentioned above should be shown separately according to sex, age (over 21, between 21 and 16 below 16 years), nature of offender (i.e. first offender, second offender, habitual offender) and gravity of crime:

Provided that, in the case of part-time Probation Officers, the statistics mentioned in this rule shall be collected and maintained by the District Probation Officer.

Commissioner & Secretary to the Govt. of Meghalaya,
Prisons Department.

FORM-I
[See Rule 14 (5)]
GOVERNMENT OF MEGHALAYA
PROBATION DEPARTMENT
IDENTITY CARD

(Back Cover)

(INSTRUCTIONS)

1. This card is meant for establishing the identity of the holder as a District Probation Officer, Associate Probation Officer.
2. The holder shall keep the card in his personal custody and shall be responsible for the custody thereof. Any loss or subsequent recovery of this card must be immediately reported to the Inspector General of Prisons.
3. This card shall be returned to the Chief Probation Officer when the holder is placed under suspension or ceases to hold office.
4. Holder of the card will be liable for disciplinary action, if the card is misused in any way.

(Inside)

Serial No.....

Name in full.....
.....

(in Block letter)

Designation of
.....

the post held

(in Block letters)

Full signature of the
holder.....

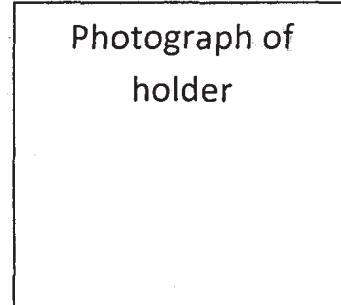
date.....

(Signature)

Chief Probation Officer

date

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FORM-II
[See Rule 26 (1)]
ORDER UNDER SUB-SECTION (2) OF SECTION 4 TO THE PROBATION OF
OFFENDERS ACT, 1958.

Probation

Officer.....

Whereas a report under sub-section (2) of Sec.4 of the Probation of Offenders Act, 1958 (Act 20 of 1958) or under the provision of is required for dealing with [name] Son/daughter of (Full address)..... who has been brought before the Court under section..... in case No you are hereby directed to collect or arrange to collect the necessary information after making an enquiry and place the same before this Court on.....

(Signature.....
Magistrate in Court Session.

Seal of the Court

FORM- III**[See Rule 16 (1)]****REPORT ON PRELIMINARY ENQUIRIES**

(Under the Probation of Offenders Act 1958)

Serial No.....

In the Court of

Magistrate..... (Place.....)

District C.C.No..... 19..... Date of hearing.....)

Offence..... State..... (Police
Station)..... (Crime No.....)

19..... Name of Offender.....

Address (Place of residence).....

Age.....

Sex and Religion.....

Give section and brief description

*In Block letters

**PERSONAL HISTORY
BEHAVIOUR AND HABITS-**

Behaviour and habits (moral, recreational, etc), temperament (outstanding character and personality traits), physical and mental history and present condition, leisure time activities.

EXTERNAL INFLUENCES

School record and report of teachers, if available.....
.....
Employment history.....
Present occupation and wages (give also condition of labour, leisure, etc).....
Report of employer, if any.....
Associates.....
Contact with social and religious organisations, if any.....
.....
Home condition.....
Family history of.....
 (a) Father.....
 (b) Mother.....
 (c) Step
 Father.....
 (d) Step
 mother.....
 (e) Brothers.....
 (f) Sisters.....
 (g) Wife.....
 (h) Children.....
 (i) Other interested relations,
 If any.....
 Economic condition of the family.....
Any social agencies, institutions or
Individual interested in the family.....
Report of parents and relations.....
Attitude of family towards offender and extent of its

Influence on him / her.....
Report of neighbours.....
Home surroundings and general outlook.....
Is poverty or unsettled life cause of offence?

LEGAL HISTORY

Previous institutional record, if any.....
Statement of the present offence and circumstances in which it committed.....
Offender's own reaction to the offence and his attitude towards possible punishments.....
Any special information
Required by Court.....

SUMMARY

- (a) Factual background of offender and his environment and offence.
- (b) Diagnosis (offender's attitudes, defects in character or family motivations and other factors regarded as causal factors of the offence).
- (c) Prognosis (Treatment considered most suitable and estimates of chances of improvement).
Name and address of
The Probation Officer.....
State.....
Date.....
Nature of disposal of the case.....
Date of disposal.....

(Signature).....

Probation Officer.

FORM-IV**[See Rule 28 (a)]****BOND TO KEEP THE PEACE AND TO BE OF GOOD BEHAVIOUR****(Under sub-section (1) of section 4 of the Probation of Offenders Act, 1958)**
In the Court of Magistrate.

Case No. of 19.....

Whereas I.....inhabitant ofhave been ordered to be released by the court ofon condition of my entering into a bond to appear and receive when called upon during a period of.....

- (1) to appear and receive sentence when called upon to do so;
- (2) not to commit a breach of the peace or to do any act that may occasion a breach of the peace ; and
- (3) to be of good behaviour to Government and all the citizens of India during the said period. In case of my making default therein. I hereby bind myself to forfeit to Government the sum of Rupees

Dated this..... day of 19

Executed before me.

(Signature)
Magistrate.

I/We do hereby declare myself/ourselves surety/sureties for the above named:-

- (1) to appear and receive sentence when called upon to do so;
- (2) that he will not commit a breach of the peace or do any act that may occasion a breach of peace; and
- (3) that he will be of good behaviour to Government and the citizens of India during the said period.

In case of his making default therein, I/we bind myself/ourselves jointly and severally to forfeit to the Government the sum of Rupees

Dated this..... day of 19

Executed before me.

(Signature)
Magistrate.

FORM - V
[See Rule 28 (b)]
SUPERVISION ORDER

(Under sub-section (3) of section 4 of the Probation of Offenders Act, 1958)

In the Court of Magistrate

Case No. of

Whereas has this day been found guilty of an offence under section.....

And the Court is satisfied that it is expedient to deal with the said person by making an order placing him under supervision:

It is hereby ordered that the said person be placed under supervision of a a Probation Officer, for a period of subject to the following conditions, namely;

- (1) that he present himself within fourteen days from the date of this order, before the Probation Officer named herein, and will produce copies of the order and the bond executed by him;
- (2) that he will submit himself to the supervision of the Probation Officer or any other officer appointed in his place ;
- (3) that he will be, (a) during the period specified herein, keep the Probation Officer advised of his place of residence and means of livelihood ;
(b)reside at for a period of
- (4) that he will not quit the district/jurisdiction of..... without the written permission of the competent authority ;
- (5) that he will not associate with bad characters or lead a dissolute life;
- (6) that he will live honestly and peaceably and will endeavour to earn an honest livelihood ;
- (7) that he will not commit any offence punishable by any law in force in India ;
- (8) that he will abstain from taking intoxicants;
- (9) that he will carry out such directions as may, from time to time, be given by the Probation Officer, for the due observance of the conditions mentioned above.

Dated this.....day of19

(Signature)

Judge or Magistrate.

FORM - VI

[See Rule 28 (c)]

(Under sub-section (4) of section 4 of the Probation of Offenders Act, 1985)

In the Court of Magistrate

Case No. of

Where I, inhabitant of have been ordered to be released by the Court of on condition of my entering into a bond to observe the conditions specified in the supervision order made by the Court, I hereby bind myself as follows:

- (1) that I will accept and fulfil the conditions specified by the Court in such order for the period specified therein;
- (2) that I will present myself, within fourteen days from the date of the supervision order, before the Probation Officer named in that order and will produce copies of the order and the bond executed by me ;
- (3) that I will submit myself to the supervision of the Probation Officer named in the supervision order or of any other Officer appointed in his place;
- (4) that I will (a) during the period specified in the order, keep the Probation Officer advised of my place of residence and means of livelihood, (d) reside at for a period of
- (5) that I will not leave the said district/jurisdiction of without the written permission of the competent authority;
- (6) that I will not associate with bad characters or lead a dissolute life;
- (7) that I will live honestly and peaceably and will endeavour to earn an honest livelihood ;
- (8) that I will not commit any offence punishable by any law in force in India;
- (9) that I will abstain from taking intoxicants ;
- (10) that I will carry out such direction, as may from time to time, be given by the Probation Officer, for the due observance of the conditions mentioned above
- (11) in case of my making default therein, I hereby bind myself to forfeit to Government the sum of Rupees Dated this day of 19

Executed before me.

(Signature).....
Magistrate.

I/We do hereby declare myself/ourselves sureties for the above named..... that he will observe the conditions specified in the supervision order in the bond and in case of his making default therein I/We bind myself/ourselves jointly and severally to forfeit to Government the sum of Rupees Date this day of 19

(Signature)
Executed before me.

(Signature)
Magistrate.

FORM - VII
[See Rules 15 (3) (a) 19 (b) & 39(d)]
MONTHLY REPORT ON PROGRESS OF PROBATIONER

PART - I

Probation Office..... for the month of

Register No..... Court

Probationer's name..... Case No.....

Date of supervision order.....

Probationer's address Period of Probation.....

PART - II

Place of Interview	Dates
.....
.....
.....
.....

1. Where the probationer is residing?
2. Progress made in any educational/Training course.
3. What work he is doing and his monthly average earning?
4. Savings kept in the Post Office Savings Bank Account in his name
5. Probationer's health
6. Remarks on his general conduct and progress.

PART - III

Any proceedings before Court/District Magistrate for -

- (a) Variation of conditions of bond under section B (1) or 9 (1) of the Act.
Or
- (b) Change of residence, vide rule
- Or
- (c) Discharge under section B (3) of the Act.
Or
- (d) Other matter,
7. Probation period completed on (date)
8. Result of probation with remarks (if any),
9. Occupation and address after discharge, to

Regional Probation Officer/Court,
Copy to Chief Probation Officer.

(Signature).....

Probation Officer

Date of report.....

Address.....

FORM - VIII
[See Rule 36 (1) (d)]
Probationer's case-file
A. (Front/Cover page)

Probation Office..... Court.....

Office Registration No..... Case No.....

Name of Probationer..... Date of supervision order

Address Offence (section)

Occupation

Home Address

Mother tongue

Sex Age.....

Date, time and place of arrest

Facts of the case.....

(in brief)

Previous conviction (s)

Referred for enquiry on

Enquired by

Enquiry report submitted on

Monthly progress report submitted on

1 st Year	2 nd Year	3 rd Year

Final disposal and date,

B. SUMMARY

1. Brief family history and home conditions
2. School record and employment history.....
3. Delinquencies
4. Health.....
5. Mental conditions.....
6. Neighbourhood conditions.....
7. Any other outstanding feature and additional information.....
8. Chronological development of the case.....
9. Suggestion made by the P.O.....
10. Final order (with date) of the Court.....
11. Name and address of the surety/sureties while under supervision;
12. (a) Restrictions as to residence in any area/probation home/or otherwise
- (b) Other restrictions.....
13. Salient points in progress reports
14. Amendments to order, if any, under section 8 and 9 of the Act
15. Final disposal

(Signature)
 Probation Officer

C. OTHER CONTENTS OF DOSSIER

1. Pre-sentence Report
2. Order of the Court
3. Copy of bond/undertaking executed, if any
4. Correspondence
5. Monthly report

FORM - IX
[See Rule 36 (1) (e)]
Chronological Register of Probation

SI. No.	Name of Visits paid		
1	2	3	4
No. of Visits received			
No. of (Progress) reports submitted			
Result of probation and remarks of probation Officer if any			
Court passing the supervision order and case No.			
Date of supervision order and period of supervision			
Name of Probation Officer			
Pre-sentence report submitted or not (if submitted) give R., P. No. and date			
Whether the probationer is residing in institutions or other premises for occupation of probationers. If so, give the name and address of the institutions			
Name of Sureties			
Name and address of employer, if any			

12	13	14	15	16	a	b	c	d	e
Any variation in original supervision order and date of such variation									
Subsequent history after completion of Probation:									
First year	Second year	Third year	Fourth year	Five year					

FORM - X
[See rule 36(1)(c)]
Reference Register
OFFICE OF THE PROBATION OFFICER DISTRICT

FORM - XI
[See Rule 17 (8)]

Probationer No.....

Completion report of Probation Officer.....

In the Court of.....

District

Case No.....

State versus under section.....

Police Station decided on

Name of Probationer.....

Father's/guardian's name

Period of supervision with dates.....

Name of sureties with amount (1)

(2)

Date of previous report, if any

(Report on the conduct, mode of life nature of employment, etc.)

District

Dated.....19

(Signature of Probation Officer)